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FISCAL IMPACT STATEMENT

LS 7874

BILL NUMBER: SB 570

NOTE PREPARED: Mar 1, 2005

BILL AMENDED: Feb 17, 2005

SUBJECT: Automated Traffic Law Enforcement Systems.

FIRST AUTHOR: Sen. Mishler

FIRST SPONSOR: Rep. Wolkins

BILL STATUS: As Passed Senate

FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill:

- (1) Establishes the automated traffic law enforcement system pilot program, which allows a municipality to install an automated traffic law enforcement system (a device that produces still photographs of a vehicle that proceeds through a red light) at highway intersections under the jurisdiction of the municipality;
- (2) Requires a local authority to receive authorization from the Department of Transportation (INDOT) before installing automated traffic law enforcement systems;
- (3) Requires dismissal of a citation based on an automatic traffic law enforcement system that does not comply with installation, maintenance, or operational requirements;
- (4) Prohibits a violation based on a report from an automated traffic law enforcement system from being used to determine insurance rates;
- (5) Provides that the INDOT may authorize not more than ten municipalities to participate in the pilot program;
- (6) Requires a local authority to adopt an ordinance under which the owner of a motor vehicle commits a violation when an automated traffic law enforcement system produces a recorded still photographic image of the vehicle proceeding through an intersection contrary to a red signal;
- (7) Provides that the ordinance: (A) may not impose a civil penalty greater than \$100; and (B) may be enforced through a local ordinance violation bureau or an infraction and ordinance violation enforcement proceeding;

- (8) Establishes defenses that may be raised in enforcement proceedings;
- (9) Specifies that the ordinance must require local police officers to review the recorded images;
- (10) Provides that the ordinance may not provide for the payment of compensation to a vendor of the automated system on the basis of: (A) the number of recorded images; (B) the number of citations issued; or (C) the amount of revenue generated. The bill also places prohibitions on the local units regarding how vendor contracts may be structured and could impact expenditures associated with the implementation of the new system.
- (11) Allows the ordinance to provide for a warning notice instead of imposing a civil penalty;
- (12) Makes conforming changes; and
- (13) Repeals a superseded definition.

Effective Date: July 1, 2005.

Explanation of State Expenditures: The bill allows up to ten pilot programs statewide. The Indiana Department of Transportation (INDOT) will receive and review applications for the new program in the same manner as with other state/local programs.

Explanation of State Revenues:

Explanation of Local Expenditures: The specific fiscal impact of this provision will depend upon the type of program implemented and the extent to which the local unit is required to purchase and maintain the equipment, along with the anticipated revenue stream.

Local units will be responsible for submission of an annual report to the INDOT, requiring, among other things, data on accidents and traffic violations for each intersection at which the municipality installs an automated traffic law enforcement system, and any other information requested by INDOT. In addition, the bill requires local authorities to install advance warning signs along the roadway proceeding to the intersection at which an automated camera is installed. The estimated fiscal impact for the signs will depend upon the number of signs needed. The cost for one sign is \$84.96.

The bill also establishes certain defenses that may be raised in a proceeding to enforce an ordinance concerning automated traffic law enforcement systems, specifies that the ordinance must require local police officers to review the recorded images, and places other restrictions on the implementation of the pilot program.

Background Information: “Automated traffic law enforcement system” means a device that has one or more motor vehicle sensors working in conjunction with a traffic control signal that exhibits a steady red light or an illuminated flashing red light and that is capable of producing a photographically recorded image of a motor vehicle’s rear license plates as the vehicle proceeds through an intersection.

The City of New York has a program which utilizes cameras to record violations of motorists proceeding through the intersection, contrary to the requirement to stop at a red light. This type of program is commonly referred to as a “Red Light Running program. In this program, the City of New York has contracted with

Electronic Data Systems (EDS) who supplies and maintains the system. For this, EDS receives a portion of each fine assessed from the Red Light Running program. The City of New York receives the rest. Potential costs include the red light camera and sensors. The Federal Highway Administration (FHWA) estimates that a red light camera costs approximately \$50,000. Installation and sensors cost about \$5,000.

Explanation of Local Revenues: The bill provides that the ordinance: (A) may not impose a civil penalty greater than \$100; and (B) may be enforced through a local ordinance violation bureau or an infraction and ordinance violation enforcement proceeding. The bill also allows the ordinance to provide for a warning notice instead of imposing a civil penalty. Local revenue will depend upon the design and implementation of the specific programs and ordinances and will vary by locality.

State Agencies Affected: Department of Transportation.

Local Agencies Affected: Those units which apply for and receive authorization from the Department of Transportation to participate in the pilot program and adopt the ordinance.

Information Sources: John R. Di Lavore, Director, Red Light Camera Study Program, City of New York, 718-786-2233; Federal Highway Administration Web page.

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